REMARKS

The claims are claims 1, 2, 6, 10, 12, 13, 19, 20, 22, 29 and 33 to 43.

Claims 2, 13, 20, 22, 29, 33 and 34 are amended. Claims 3 to 5, 7 to 9, 11, 14 to 18, 21, 23 to 28, 30 and 33 are canceled. New claims 35 to 43 are added.

Claims 1 to 5, 7 to 14, and 16 to 34 were rejected under 35 U.S.C. §102(b) as anticipated by Merjanian U.S. Patent No. 5,920,642.

Claims 1, 10, 12 and 19 recite subject matter not anticipated by Merjanian. Claims 1, 10 and 12 recite "acquiring data related to a user without active user input or participation." Claim 19 similarly recites "collecting user data without active identification measures by the user." The OFFICE ACTION cites column 11, lines 18 to 42 of Merjanian as anticipating this subject matter. This portion of Merjanian does require an active step of participation by the user to detect the fingerprint. Merjanian states at column 11, lines 30 and 31 (within the portion cited by the Examiner):

> "As before, fingerprint data is entered by placing the digit 32 on the platen 30."

The Applicants respectfully submit that this "placing the digit 32 on the platen 30" requires "active user input or participation" and "active identification measures by the user" contrary to the recitations of claims 1, 10, 12 and 19. Note this application discloses the use of a video camera for user identification that requires the mere presence of the user in the room. This application also discloses a microphone that requires only that the user speak and does not require the user to speak in a manner directed to the identification process. Even the fingerprint

sensor embedded in the remote control device merely requires the user to activate a control key that the user would activate to operate the remote control device. Thus the user actively participates in use of the remote control without "active user input or participation" or "active identification measures by the user" as prohibited by this language of the claims. In contrast, Merjanian requires the user to place a digit on a platen sensor in a process directly solely to identification of the user. Accordingly, claims 1, 10, 12 and 19 are allowable over Merjanian.

Claims 2, 22, 38 and 41 recite subject matter not anticipated by Merjanian. Each of these claims recites a video camera used in user identification. The OFFICE ACTION cites the rejection of the claim 1 as making obvious this limitation of claims 2 and 22. Merjanian in fact fails to disclose any video camera. Thus Merjanian cannot anticipate this recitation of user identification via a video camera. Accordingly, claims 2, 22, 38 and 41 are allowable over Merjanian.

Claims 13, 29, 37 and 41 recite subject matter not anticipated by Merjanian. Claims 13, 29, 37 and 41 recite "a fingerprint sensor embedded in one of the control keys." The OFFICE ACTION cites Merjanian column 11, lines 18 to 46 as anticipating this limitation. This portion of Merjanian discloses a fingerprint sensor but fails to teach this fingerprint sensor is "embedded in one of the control keys" as recited in claims 13, 29, 37 and 41. Accordingly, claims 13, 29, 37 and 41 are allowable over Merjanian.

Claims 20, 35, 39 and 43 recite subject matter not anticipated by Merjanian. Claims 20, 35, 39 and 43 recite a microphone for collecting the user data for identification. The OFFICE ACTION cites the rejection of the claim 1 as making obvious this limitation of claim 20. Merjanian in fact fails to disclose any microphone. Thus Merjanian cannot anticipate this recitation of

user identification via a microphone. Accordingly, claims 20, 35, 39 and 43 are allowable over Merjanian.

Claim 33 recites subject matter not anticipated by Merjanian. Claim 33 recites "the control keys include at least some control keys disposed in a thumb actuated cross configuration; and the fingerprint sensor is integrated within a middle portion of the thumb operated cross configuration." The OFFICE ACTION cites Merjanian at column 12, lines 38 to 45 as anticipating this limitation. Merjanian does disclose a fingerprint sensor disposed on a remote control device. However, Merjanian fails to disclose the recited cross configuration of control keys and likewise fails to disclose the fingerprint sensor is "within a middle portion of the thumb operated cross configuration." Accordingly, claim 33 is not anticipated by Merjanian.

Claim 34 recites subject matter not anticipated by Merjanian. Claim 34 recites "the control keys include an activation key operable to activate the remote control device; and the fingerprint sensor is embedded in the activation key." The OFFICE ACTION cites the rejection of claim 1 as anticipating this limitation. Merjanian does disclose a fingerprint sensor disposed on a remote control device. However, Merjanian fails to disclose the recited activation key and likewise fails to disclose the fingerprint sensor is "embedded in the activation key." Accordingly, claim 34 is not anticipated by Merjanian.

Claim 6 as rejected under 35 U.S.C. §103(a) as made obvious by the combination of Merjanian U.S. Patent No. 5,920,642 and Lownes et al U.S. Patent No. 6,137539.

Claims 6, 36, 40 and 44 recite subject matter not made obvious by the combination of Merjanian and Lownes et al. Claim 6 recites "the recognition technology device is located within a television set." Claim 36 recites "the data acquisition device is housed in said apparatus capable of presenting customized content to the

user." Claim 40 recites "the means for acquiring data is housed in said means for presenting customized content to the user." Claim 44 recites "the sensor is housed in said display." Each of these claims requires the device making the user identification to be located within another part of the claimed apparatus. The OFFICE ACTION states at page 12, line 20 to page 13, line 11:

> "Merjanian teaches 'The previously described ergonomic readers, in particular, those of FIGS. 5-8A, can be used to identify fingerprint data or biometrics with particular operators to validate the operator and generate, for example, a personal identification number (PIN) that may then be passed to a processor in the set-top box for comparison and identification' (column 11, lines 18-24)), the recognition device is effectively in the television. Although Merjanian does not specifically teach 'the recognition technology device located within a television set,' Lownes et al. teaches that 'In this system configuration, a digital television receiver 90, which, in the exemplary embodiment of the invention, is a set-top box (STB)' (column 2, lines 50-65). Accordingly; it would have been clearly obvious to one of ordinary skill in the art to modify the Merjanian reference to include a 'the recognition technology device located within a television set,' so as to allow a combination digital television set-top box, allowing a user to operate a unitary device."

Claims 6, 36, 40 and 44 recite that the sensor acquiring the user identification data is housed in the other part of the apparatus. This differs from the disclosure of Merjanian of a remotely located sensor sending data to another part of the apparatus for recognition. This disclosure does not make obvious the claimed location of the sensor at the other part of the apparatus. The disclosure of a set-top box in Lownes et al adds nothing to the teaching of Merjanian to make obvious this subject matter. Accordingly, claims 6, 36, 40 and 44 are allowable over the combination of Merjanian and Lownes et al.

The Applicants respectfully submit that all the present claims are allowable for the reasons set forth above. Therefore early reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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Respectfully submitted,

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